

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK BALDWIN,

Defendant.

8:12CR21

ORDER

Defendant Kirk Baldwin (Baldwin) appeared before the court on December 17, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 44). Baldwin was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Baldwin waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Baldwin should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Baldwin requested release. Baldwin proffered through counsel he would abide by the conditions of release, reside with his parents, obtain employment, and obtain a substance abuse treatment placement. Since it is Baldwin's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Baldwin has failed to carry his burden and that Baldwin should be detained pending a dispositional hearing before Judge Bataillon. Baldwin has demonstrated he cannot abide by conditions of release.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on January 30, 2013**. Defendant must be present in person.

2. Defendant Kirk Baldwin is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 17th day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge